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Serial No.: 08/314,547

-2-

On page 1, line 9, delete "(Serial No.)" and substitute therefor --Serial No. 08/050,557--.

IN THE CLAIMS

Please rewrite claim 1 as indicated:

1. (Amended) A nasal dilator for preventing outer wall tissue of nasal passages of a nose from drawing in during breathing, comprising:

a truss member including:

a first end region adapted to engage the outer wall tissue of a first nasal passage;

a second end region adapted to engage the outer wall tissue of a second nasal passage;

an intermediate segment coupling the first end region to the second end region and configured to traverse a portion of a nose located between the first and second nasal passages; and

a resilient [means] member extending along the truss member and having end portions that terminate at least at sections of end edges of the first and second end regions, the resilient [means] member for acting to stabilize [the] those outer wall [tissue] tissues so engaged and thereby prevent [the] such outer wall [tissue] tissues of the first and second nasal passages from drawing in during breathing.

Please amend claim 2 as indicated:

In line 6, delete "means" and substitute therefor --member--.

Please rewrite claim 5 as indicated:

10⁵. (Twice Amended) A nasal dilator for preventing outer wall tissue of nasal passages of a nose from drawing in during breathing, comprising:

a truss member including:

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a first end region adapted to engage the outer wall tissues of a first nasal passage;

a second end region adapted to engage the outer wall tissue of a second nasal passage;

an intermediate segment coupling the first end region to the second end region and configured to traverse a portion of a nose located between the first and second nasal passages;

a flexible strip of base material extending over at least a portion of the first and second end regions and the intermediate segment; and resilient means extending along the truss member including a first resilient band secured to the flexible strip of base material adjacent a first edge thereof and a second resilient band secured to the flexible strip of base material [at] adjacent a second edge thereof such that each have end portions that terminate at least at sections of said end edges of the first and second end regions with the second resilient band being spaced from and extending generally parallel to the first resilient band, the resilient means acting to stabilize the outer wall tissue and thereby prevent the outer wall tissue of the first and second nasal passages from drawing in during breathing.

Please amend claim 16 as indicated:

In line 2, delete "means" and substitute therefor --member--.

Please rewrite the following claims as indicated:

17. (Twice Amended) A nasal dilator capable of introducing separating stresses in nasal outer wall tissues [of a human nose], comprising:

a truss having a pair of spaced apart end regions each having a side terminated by end edges at opposite ends of said truss such that if said spaced apart end

region sides are forced toward one another from initial positions to substantially reduce said spacing therebetween by a spacing reduction force external to said truss, restoring forces result in said truss sufficient to restore a substantial fraction of said spacing between said end region sides absent such spacing reduction forces; and

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(concluded)

an engagement means adhered to said end region sides and capable of engaging exposed surfaces of such outer wall tissues sufficiently to remain so engaged against said restoring forces, said pair of end region sides with said engagement means adhered thereto each including as part thereof [sides of a] at least one corresponding [pair of extensions] extension with [a] said extension [in a said pair thereof] being separated [by a back cut] in part from at least some other portion of that said end region of which it is a part with said [back cut] separation extending into that said end region from said end edge thereof.

18. (Twice Amended) The dilator of claim [18] 17 wherein said extensions [in a said pair thereof] each extend past at least some other portion [provided therebetween] of that said end region of which [they are] it is a part, and so [extend] extends substantially parallel to a direction oriented through said opposite ends of said truss [to thereby form a primarily concave opening].

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Please add the following claims:

19. The dilator of claim 18 wherein there is another extension included in each said end region also extending past said other portion of that said end region, said other portion in a said corresponding end region being positioned between those said extensions therein to thereby form a primarily concave opening between said extensions.

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20. The dilator of claim 17 wherein said truss has a resilient member therein having opposite ends each ending short of at least a portion of said end edges.

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21. The dilator of claim 17 wherein said truss has a resilient member therein having opposite ends each reaching at least a portion of said end edges.

22. The dilator of claim 17 wherein said truss has a resilient member and a flexible strip therein with said resilient member positioned at least in part between said flexible strip and any ~~said~~ exposed surfaces of nasal outer wall tissue so engaged. KA

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23. The dilator of claim 17 wherein said dilator is configured to restrain nasal outer wall tissues adjacent nasal passages therein from being drawn in during breathing, said truss having sufficient restoring forces to substantially maintain during inhalation that spacing occurring between end surfaces prior to inhalation. C 5
(continued)

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24. The dilator of claim 17 wherein said truss and said engagement means are capable of being manually released from exposed surfaces of any nasal outer wall tissues so engaged by said engagement means.

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25. The dilator of claim 17 wherein said truss and said engagement means together are formed as a strip having a length substantially greater than either of its width and thickness, and a width substantially greater than its thickness everywhere along said length.

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26. The dilator of claim 17 wherein said restoring forces in said truss arising if said end surfaces are forced adjacent to one another by said spacing reduction forces are sufficient, upon removal of said spacing reduction forces, to restore most of said direct spacing present between said end surfaces before application of such spacing reduction forces.

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27. The dilator of claim 22 wherein said truss also includes a base flexible strip positioned at least in part between said resilient member and any ~~said~~ exposed surface of nasal outer wall tissue to be so engaged. RA

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F F The dilator of claim 23 wherein said end surfaces are limited in separation therebetween so that, when said end surfaces are engaging nasal outer wall tissues adjacent nasal passages therein, a surface of said truss can be in contact with ~~the nose containing said outer wall tissues~~ for substantially all of that extent thereof between said end surfaces.

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(continued) The dilator of claim 24 wherein said engagement means is an adhesive substance located on each of said pair of spaced-apart end surfaces and capable of adhering to exposed surfaces of nasal outer wall tissues while adhering to said truss and yet permitting said truss and said engagement means to be manually released from exposed surfaces of any nasal outer wall tissues adhered to by said engagement means.

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The dilator of claim 25 wherein said strip is substantially planar absent external forces applied thereto.

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A nasal dilator capable of introducing separating stresses in nasal outer wall tissues, comprising:

a truss of a single body having a pair of spaced apart end surfaces which, if forced toward one another from initial positions to substantially reduce direct spacing therebetween by spacing reduction force external to said truss, results in restoring forces in said truss tending to restore said direct spacing between said end surfaces; and

engagement means adhered to said end surfaces and capable of engaging exposed surfaces of nasal outer wall tissue sufficiently to remain so engaged against said restoring forces, said truss having a resilient member and a flexible strip therein with said resilient member positioned at least in part between said flexible strip and any ~~said~~ exposed surfaces of nasal outer wall tissues so engaged.

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32. The dilator of claim 31 wherein said resilient member has opposite ends thereof each ending short of at least a portion of end edges at opposite ends of said truss.

33. The dilator of claim 31 wherein said resilient member has opposite ends thereof each reaching at least a portion of end edges at opposite ends of said truss.

34. The dilator of claim 31 wherein said dilator is configured to restrain nasal outer wall tissues adjacent nasal passages therein from being drawn in during breathing, said truss having sufficient restoring forces to substantially maintain during inhalation that spacing occurring between said end surfaces prior to inhalation.

35. The dilator of claim 31 wherein said truss and said engagement means are capable of being manually released from exposed surfaces of any nasal outer wall tissues engaged by said engagement means.

36. The dilator of claim 31 wherein said truss and said engagement means together are formed as a strip having a length substantially greater than either of its width and thickness, and a width substantially greater than its thickness everywhere along said length.

37. The dilator of claim 31 wherein said restoring forces in said truss arising if said end surfaces are forced adjacent to one another by said spacing reduction forces are sufficient, upon removal of said spacing reduction forces, to restore most of said direct spacing present between said end surfaces before application of such spacing reduction forces.

38. The dilator of claim 31 wherein said truss further includes a base flexible strip positioned between said resilient member and any ~~said~~ exposed surfaces of nasal outer wall tissue so engaged.

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The dilator of claim 34 wherein said end surfaces are limited in separation therebetween so that, when end surfaces are engaging nasal outer wall tissues adjacent nasal passages therein, a surface of said truss can be in contact with ~~the~~ ~~that nose containing said outer wall~~ tissues for substantially all of that extent thereof between said end surfaces.

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(concluded)

The dilator of claim ~~35~~ ³⁶ wherein said engagement means is an adhesive substance located on each of said pair of spaced-apart end surfaces and capable of adhering to exposed surfaces of nasal outer wall tissues while adhering to said truss and yet permitting said truss and said engagement means to be manually released from exposed surfaces of any nasal outer wall tissues adhered to by said engagement means.

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The dilator of claim ~~36~~ ³⁸ wherein said strip is substantially planar absent external forces applied thereto.

REMARKS

This communication is in response to the Action of October 2, 1995. In that Action, claim 10 was allowed, claims 1 through 6, 8, 13 and 16 through 18 were rejected while claims 7, 9, 11, 12, 14 and 15 were objected to as depending on rejected claims.

The applicants have amended claims 1, 2, 5 and 16 to clarify them, and has amended claims 17 and 18 to more fully claim the present invention and to correct inadvertent errors therein. The applicants have added claims 19 through 41 also to more fully claim the present invention.

The Examiner has first provisionally rejected claims 1 through 6, 8, 13 and 16 for double patenting in view of the claims in two copending applications having Serial Nos. 08/183,916 and 08/316,636. A pair of terminal disclaimers enclosed would appear sufficient to overcome these rejections.

The Examiner next rejects claims 17 and 18 under 35 U.S.C. § 112 as being indefinite in two instances. The applicants believe the above amendment corrects claims 17 in

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